

Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Website: kbml.ky.gov

Fall 2003

Danny M. Clark, M.D., President

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Danny M. Clark, M.D.
Somerset

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Health Services

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University of Louisville School of Medicine

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College School of Osteopathic Medicine

Emery A. Wilson, M.D., Dean, University
of Kentucky Medical School

C. William Schmidt, Executive Director

Election of Officers

At the September meeting, the Board elected officers for the coming year. Danny M. Clark, M.D., of Somerset was reelected as President. Also reelected were Preston P. Nunnolley, M.D., of Lexington as Vice President, and Donald J. Swikert, M.D., of Edgewood as Secretary.

KBML Annual Report

The annual report of the Board's activities for fiscal year ending June 30, 2003 has been filed with the Governor's office and is available on the Board's web site at kbml.ky.gov.

Kentucky All Schedule Prescriptions Electronic Reporting (KASPER)

The Kentucky Cabinet for Health Services/Drug Control Branch has implemented a Schedule II-V prescription reporting program effective January 1, 1999. The system, called the Kentucky All Schedule Prescription Electronic Reporting (KASPER), for reporting the dispensing of Schedule II-V drugs by pharmacies, dispensing physicians, dispensing veterinarians, or other Kentucky licensed dispensers, has been created to collect this data.

All pharmacies, **dispensing physicians**, dispensing veterinarians, or other licensed dispensers in Kentucky who dispense prescriptions in Schedule II, III, IV, and V drugs are required to report. (Reporting is not required for controlled substances dispensed to hospital inpatients, skilled care patients, or intermediate care patients.)

The data submitted is stored in a high-security database and access to the information is strictly limited by statute. Drug Control uses the data to identify patients who appear to be drug seekers by obtaining prescriptions from multiple practitioners and pharmacies. Also practitioners will be able to obtain confirmation that a patient is seeing other practitioners for controlled substances. The review by Drug Control may also identify potential cases of drug overutilization, misuse or overprescribing. In these cases they will be referred to law enforcement agencies, professional licensing boards or other agencies. Drug Control can be reached at (502) 564-7985 or by fax at (502) 564-2203.

Final Disciplinary Actions

Wallas N. Bell, M.D., #12807, Henderson Co.
Agreed Order entered into 08-28-03.

Don V. Bryson, M.D., #20818, Johnson Co.
Agreed Order of Indefinite Restriction entered into 08-28-03.

Adrian N. Collins, M.D., #13222, Greenup Co.
Agreed Order of Surrender entered into 09-15-03.

Warren M. Cox, IV, M.D., #24435, Jefferson Co.
Amended Order of Revocation issued 08-07-03, effective 08-09-03.

Subrata Dey, M.D., #33249, Letcher Co.
Agreed Order of Revocation, Stayed; Order of Suspension entered into 09-15-03.

Mark L. Glasgow, M.D., #36538, Floyds Knobs, IN
Agreed Order of Indefinite Restriction entered into 07-17-03.

Julie C. Isham, M.D., #30836, Jefferson Co.
Order Denying Reinstatement issued 06-04-03.

James L. Kegler, M.D., #38252, Boone Co.
Agreed Order of Probation entered into 07-24-03.

Brent A. Madison, M.D., #33995, Breckenridge Co.
Agreed Order of Indefinite Restriction entered into 08-12-03.

Kirk D. Morgan, M.D., #16289, Jefferson Co.
Order of Indefinite Restriction issued 08-12-03, effective 09-12-03.

Howard D. Markowitz, M.D., #33813, Franklin Co.
Agreed Order of Suspension; Order of Probation entered into 08-28-03.

Jerry W. Nein, M.D., #26925, Muhlenberg Co.
Agreed Order of Indefinite Restriction entered into 09-18-03.

Michael G. Rukavina, M.D., #29562, Fayette Co.
Agreed Order entered into 08-25-03.

Ruth A. Serneels, M.D., #26759, Jefferson Co.
Amended Agreed Order Reinstating License; Subject to Conditions entered into 08-12-03.

Michael E. Simons, M.D., #25912, Whitley Co.
Agreed Order of Indefinite Restriction entered into 08-21-03, amended 09-03-03.

Thomas A. Smith, M.D., #26421, Johnson Co.
Agreed Order entered into 07-24-03.

David W. Suetholz, M.D., #18013, Kenton Co.
Agreed Order of Indefinite Restriction entered into 07-24-03.

Bryan W. Wood, M.D., #35104, Boyle Co.
Agreed Order of Indefinite Restriction entered into 08-27-03.

Restrictions have been placed on the following physicians' licenses pending resolution of charges brought against the physician.

Don E. Cloys, M.D., #14868, Madison Co.
Complaint and Emergency Order of Suspension issued 09-24-03. Physician prohibited from practicing medicine pending resolution of Complaint. Suspension effective 09-26-03.

Gopal R. Majmundar, M.D., #19452, Floyds Co.
Complaint and Emergency Order of Suspension issued 09-16-03. Physician prohibited from practicing medicine pending resolution of Complaint. Suspension effective 09-16-03.

Action was also taken against the following physician assistant certified by this Board:

Darwin P. Whitaker, P.A.-C, #PA361, Perry Co.
Agreed Order of Surrender entered into 07-24-03.

Reminder on Physician Advertising

During a recent Board Meeting, the topic of physician advertisements was brought up for discussion, which focused on claims by physicians that they are certified by certain specialty boards. The Board would like to remind all physicians in the Commonwealth that it only recognizes specialty boards that are members of the American Board of Medical Specialties (ABMS) and the Bureau of Osteopathic Specialists and Boards of Certification. 201 KAR 9:018 allows for physicians to advertise in any medium provided that the advertisement is in not in any manner fraudulent, misleading, or deceptive. Physicians are encouraged to ensure that their advertisements remain truthful in all aspects and must remain vigilant to assure that direct-to-consumer advertising does not promote false expectations.

Physician Assistants Prescribing

In recent months, the Board's office has received several complaints about physician assistants prescribing a controlled substance. Please be advised that pursuant to KRS 311.858, a physician assistant may only prescribe and administer nonscheduled legend drugs and medical devices as delegated by his or her supervising physician. Violations of this statute will result in disciplinary action being taken against the physician assistant and the supervising physician.

Medical Directory Available

The 2003 Kentucky Medical Directory is now available. Volume 1 is an alphabetical listing of all physicians currently registered in Kentucky and Volume II is a listing by county. Each volume contains the physician's name, practice address, office telephone number if available, license number and specialty based on information provided by the physician. The cost of each publication is \$15.90 (includes KY sales tax) plus an additional \$4.00 shipping and handling charge for each volume ordered. To order your copy, please send your request with a check for the proper amount to the Board's office.

2004 Renewal of Medical License

Forms for 2004 renewal of medical/osteopathic licenses will be mailed in December. Failure to renew your license prior to the April 1, 2004 deadline will cause your license to automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine or osteopathy. The \$125.00 renewal fee is due by March 1, 2004. Renewals paid after March 1, but prior to the April 1 deadline may be made by payment of an additional \$50.00 penalty fee.

When completing the application, the physician should be mindful of the following points:

- The instructions on the application direct the applicant to disclose information about events that have occurred since last applying to renew their medical license. The applicant needs only to provide information about events that occurred during the past year. It is not necessary to report events that were previously reported.
- Each time an applicant answers "yes" to a question on the application, he/she is required to submit an explanation of the circumstances that gave rise to that disclosure. The Board and/or its staff review the information provided in the application. In most cases submitting a "yes" answer will not result in any action against the physician's license.
- The information contained on the first two pages of the renewal application is considered public information. Information on the third page is confidential. Answers to questions may be considered by the Board and may be disclosed in any contested case proceeding, including a Show Cause proceeding, or an appeal of a licensing decision based upon them. The questions pertaining to drug and alcohol abuse and to physical and medical issues comply with the Americans with Disabilities Act.
- Incomplete renewals received will be returned and completion and resubmission will be required before the license will be renewed.

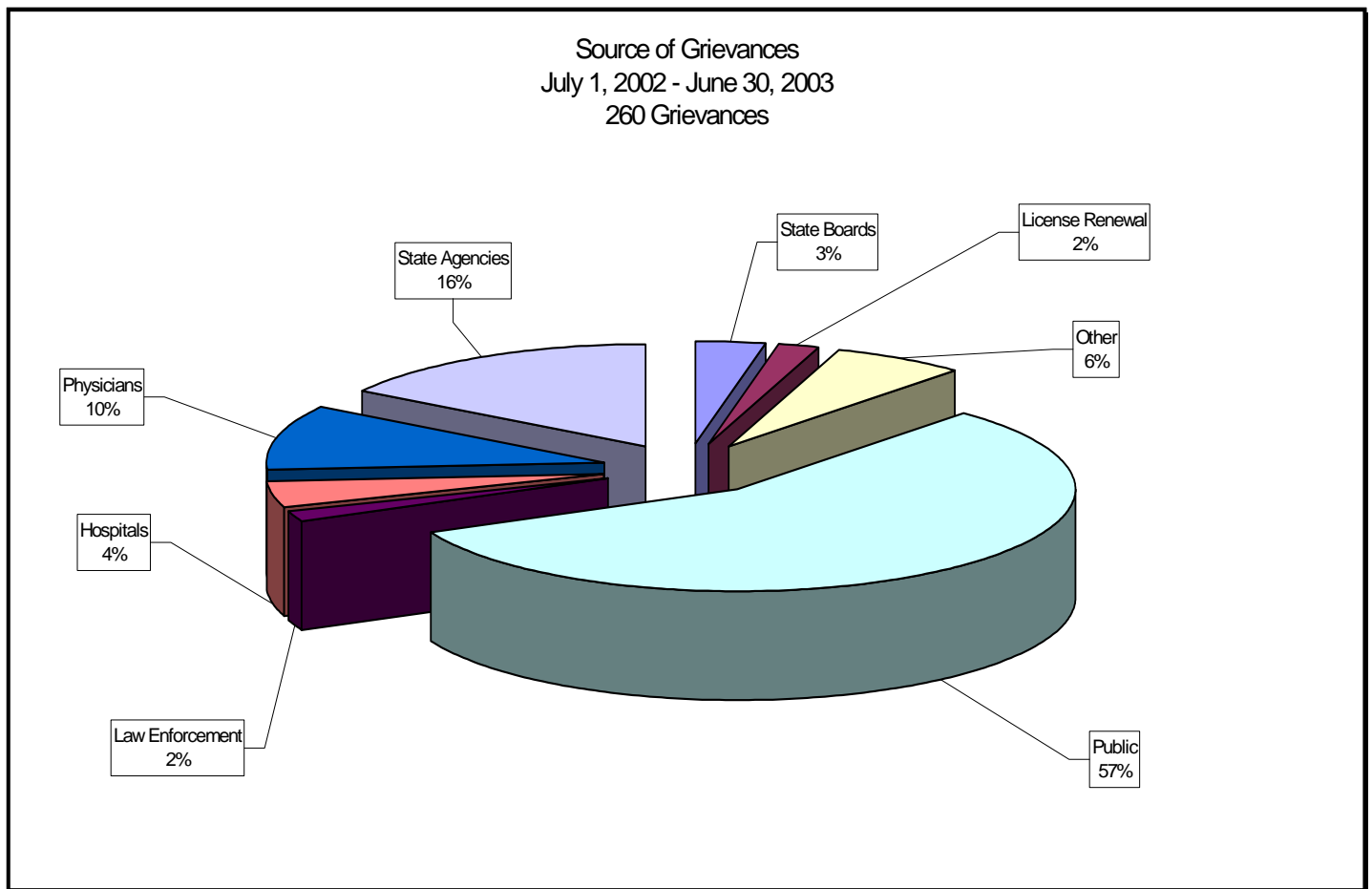
Default of Student Loan/Renewal of Medical/Osteopathic License

Per House Bill 296, enacted in the 2002 General Assembly, a new section of KRS 164.740 was created for licensing agencies in the Commonwealth to refuse licensing or renewing a license to those in default of repayment obligations to financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA).

If you are in default of repayment obligations be sure to make a satisfactory repayment agreement with KHEAA prior to renewing your Kentucky medical/osteopathic license. Answering “yes” to the question pertaining to KHEAA defaulted loans on your 2004 application for renewal of your medical/osteopathic license will result in your not being allowed to renew your license until the Board has verification that a satisfactory repayment agreement with KHEAA has been made.

Source of Grievances

During the past year 260 grievances were received against licensed physicians in the state. Listed below is a chart that depicts the source and percentages based on the grievances registered with this office.



**Kentucky Board of Medical Licensure
Program Status Report FY 2003**

Meetings Held

Board of Medical Licensure	4
Inquiry/Hearing Panels	11
Physician Assistant Advisory Committee	4
State Council on Athletic Trainers	4

Services Provided

Physicians Registered in State	8,387
Physicians Registered out of State	3,742
Applications for Licensure Reviewed	1,197
New Medical Licenses Issued	718
New Osteopathic Licenses Issued	51
Temporary Permits Issued	598
Fellowship Training Limited Licenses	17
Institutional Practice Limited Licenses	28
Residency Training Licenses	186
Limited Licenses Renewed	15
Applications Denied	10
Active Physician Assistants Certified	575
New Physician Assistants Certified	52
Active Athletic Trainers Certified	308
New Athletic Trainers Certified	36
Institutional License	1

Disposition of Grievances and Disciplinary Actions Taken

Grievances Recieved	260
Grievances Reviewed	229
Grievances Investigated	142
Grievances Pending	154
Malpractice Cases Reviewed	62
Disciplinary Proceedings Initiated	47
Complaints Issued	33
Emergency Orders of Suspension	16
Emergency Orders of Restriction	9
Disciplinary Hearings Held	10
Licenses Probated	10
Revoked	2
Suspended	4
Restricted	25
Surrendered	12
Letters of Agreement	16

Kentucky Board of Medical Licensure

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at kbml.ky.gov.

(Please Print or Type Information)

Date: _____

KY License Number: _____

Name: _____
(last) (first) (m.i.)

Mailing Address: _____
(street)

(city) (state) (zip)

KY Practice County: _____ **Office Telephone:** _____

Practice Address: _____
(street)

(city) (state) (zip)

E-Mail Address: _____

Kentucky Board of Medical Licensure

Hurstbourne Office Park
310 Whittington Parkway, Suite 1B
Louisville, KY 40222

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